

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

06-CR-6087L

v.

DEMETRIUS MC KNIGHT,


Defendant.

By motion filed December 11, 2007, defendant Demetrius McKnight (“McKnight”) moved, *pro se*, for an order directing the court reporter to produce copies of transcripts for use in a petition pursuant to 28 U.S.C. § 2255. McKnight also requested additional time within which to file such a motion. The motion, and both requests, are denied.

McKnight pleaded guilty pursuant to a written plea agreement that contained an aggregate, agreed-upon sentence of 101 months pursuant to FED. R. CRIM. P. 11(c)(1)(C). The Court imposed that sentence on February 16, 2007. The plea agreement also contained a provision by which the defendant agreed to waive any appeal or collateral proceeding as long as the Court imposed the agreed upon sentence. In light of the above, according to the plea agreement, McKnight may not file a § 2255 petition.

Therefore, I deny McKnight's request that transcripts be prepared of all proceedings at the Government's expense. McKnight is not, as a matter of right, entitled to such transcripts at Government expense.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
December 17, 2007.